

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DONALD AGEE, JR. et al.,

Plaintiffs,

v.

JOCELYN BENSON, et al.,

Defendants.

Case No. 1:22-CV-00272-PLM-RMK-JTN

**MOTION OF THE COMMISSION TO  
STRIKE “SUPPLEMENTAL AND  
REBUTTAL” REPORT OF SEAN  
TRENDE AND IN LIMINE  
PRECLUDING PLAINTIFFS FROM  
OFFERING THE REPORT AT TRIAL**

NOW COME the Michigan Independent Citizens Redistricting Commission and its members<sup>1</sup> (collectively, the Commission), by counsel, and respectfully move this Court for an order striking the September 26, 2023, “Supplemental and Rebuttal Expert Report” offered by Plaintiffs’ expert, Sean F. Trende, and for an order *in limine* barring Plaintiffs from offering that report, or the opinions contained within, at trial. This new report was disclosed long after discovery closed, and its untimely delivery is unjustified and prejudicial to the Commission.

This Motion is supported by the accompanying Brief in Support and its Exhibits, which are incorporated herein by this reference. A Certificate is also filed in compliance with W.D. Mich. Civ. R. 7.1(d) reflecting counsel’s unsuccessful attempt to gain Plaintiffs’ concurrence with this motion.

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<sup>1</sup> The official-capacity defendants are Douglas Clark, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Litt, Brittni Kellom, Cynthia Orton, M.C. Rothhorn, Rebecca Szetela, Janice Vallette, Erin Wagner, Richard Weiss, and Dustin Witjes.

Dated: October 4, 2023

Respectfully submitted,

/s/ Nathan J. Fink

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Citizens Redistricting Commission, and Douglas  
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Lange, Steven Terry Litt, Brittnei Kellom,  
Cynthia Orton, M.C. Rothhorn, Rebecca  
Szetela, Janice Vallette, Erin Wagner, Richard  
Weiss, and Dustin Witjes, each in their official*

*capacities as Commissioners of the Michigan  
Independent Citizens Redistricting  
Commission*